



November 16, 1999

Mr. Monty Wade Sullivan
Assistant City Attorney
City of Houston
P. O. Box 1562
Houston, Texas 77251-1562

OR99-3253

Dear Mr. Sullivan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130900.

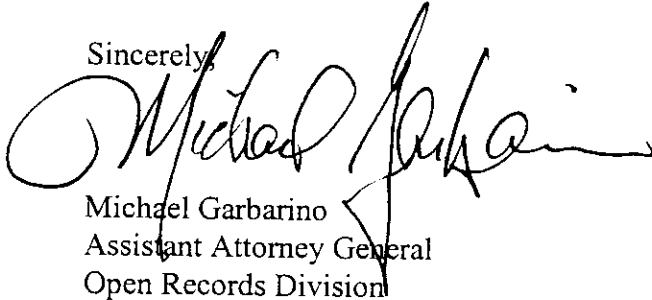
The City of Houston (the "city") received a request for two offense reports assigned numbers 1003827990 and 0457333990. You have provided for our review information that is responsive to the request. You assert the requested information is excepted from public disclosure under section 552.108(a)(2) of the Government Code. We have reviewed the information you have submitted and considered the exception you assert.

Section 552.108(a)(2) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication." You indicate that the investigations the subject of the reports "did not result in a conviction or deferred adjudication." We thus conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) with regard to the offense reports, and that most of the information contained in the reports therefore may be withheld. We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). You indicate the city "will provide the requestor with the public release information pages

of the offense reports.” We caution that you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. Gov’t Code § 552.108(c); *see* Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Garbarino". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Michael Garbarino
Assistant Attorney General
Open Records Division

MG/ch

Ref: ID# 130900

Encl. Submitted documents

cc: Ms. Vonda Fuston
15802 Plagens Lane
Missouri City, Texas 77489
(w/o enclosures)